

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

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DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

TYEESHA LASHAYE MARTIN, as  
Personal Representative of the Estate  
of Kenneth Earl Garlington, Deceased,

Plaintiff,

v.

NAPHCARE, INC.; MARC Q. SONNIER;  
JAMES DELONG; BARBARA GAIL  
WALTERS; EDDIE NAGLE;  
C.I. HADLEY; DONAL CAMPBELL;  
et al.,

Defendants.

CASE NO.: 2:06-CV-1031-WKW

**ANSWER**

COME NOW the defendants, Naphcare, Inc., Marc Q. Sonnier, James DeLong, and Barbara Gail Walters, and state the following in answer to the plaintiff's Complaint:

**FIRST DEFENSE**

These defendants plead the general issue and say that they are not guilty of the matters alleged in the Complaint.

**SECOND DEFENSE**

These defendants plead the general issue and say that the allegations of the Complaint are not true.

**THIRD DEFENSE**

These defendants say that the Complaint fails to state a claim against these defendants upon which relief can be granted.

**FOURTH DEFENSE**

These defendants say that the incident complained of was proximately caused by a new, independent, and intervening efficient cause, and not by these defendants.

**FIFTH DEFENSE**

As to the Complaint, these defendants deny each and every material allegation of the plaintiff's Complaint and specifically deny that the plaintiff is entitled to recover damages from these defendants.

**SIXTH DEFENSE**

These defendants aver that there is no causal relationship between any act of these defendants and the injury alleged in the Complaint.

**SEVENTH DEFENSE**

These defendants plead in defense all applicable provisions of the Alabama Medical Liability Act, Alabama Code § 6-5-540, et. seq. (as amended).

**EIGHTH DEFENSE**

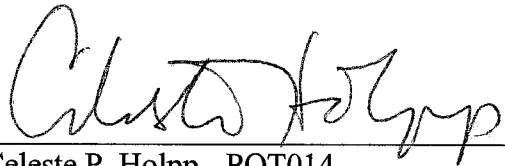
These defendants plead that the allegations of the Complaint are barred by the Eleventh Amendment to the United States Constitution as a suit against officers and agencies of the State of Alabama in their official capacities.

**NINTH DEFENSE**

These defendants plead contributory negligence of the plaintiff's deceased, Kenneth Earl Garlington.

**TENTH DEFENSE**

These defendants plead that they are entitled to qualified immunity as to the allegations of the complaint.

A handwritten signature in black ink, appearing to read 'Celeste P. Holpp', is written over a horizontal line.

Celeste P. Holpp - POT014

Attorney for Defendants

Naphcare, Inc., Marc Q. Sonnier, James  
DeLong, and Barbara Gail Walters

Of Counsel:

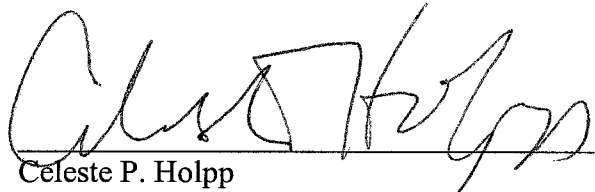
NORMAN, WOOD, KENDRICK & TURNER  
Financial Center - Suite 1600  
505 20th Street North  
Birmingham, Alabama 35203  
Tele: (205) 328-6643  
Fax: (205) 251-5479  
Email: cholpp@nwkt.com

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document on all counsel of record by placing a copy of same in the U.S. mail, postage prepaid and properly addressed on this the 16<sup>th</sup> day of November, 2006, as follows:

Julian P. Hardy, Jr., Esq.  
Madison W. O'Kelley, Jr., Esq.  
Pritchard McCall & Jones  
505 North 20<sup>th</sup> Street  
800 Financial Center  
Birmingham, Alabama 35203

Neal Conner, Esq.  
Alabama Department of Corrections  
101 South Union Street  
P.O. Box 301501  
Montgomery, Alabama 36130-1501



Celeste P. Holpp